

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BIG TIME VAPES, INC., *et al.*,

Plaintiffs,

v.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Civil Case No. 1:19-cv-531-LG-JCG

DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS

Defendants hereby submit this reply in support of Defendants' motion to dismiss (ECF No. 24), and request that Plaintiffs' complaint (ECF No. 1) be dismissed, with prejudice, in its entirety, for failure to state a claim upon which relief can be granted, for the reasons stated in the memorandum of law that is being filed concurrently with this reply, as well as in the combined memorandum that was filed on November 6, 2019 (ECF No. 25) in support of Defendants' motion to dismiss (ECF No. 24). Specifically, as explained in Defendants' memoranda, Plaintiffs have failed to state a claim under the nondelegation doctrine or the Declaratory Judgment Act.

November 27, 2019

Respectfully submitted,

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